

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AARON ANTONY BRADFORD,)
)
Plaintiff,)
)
vs.) Case No. 4:21-cv-142-MTS
)
PRENTIS FINCH, *et al.*,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Appoint Counsel, Doc. [32].

For the following reasons, the Motion is denied.

"There is no constitutional or statutory right to appointed counsel in civil cases."

Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (internal citation omitted).

Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel."

Patterson v. Kelley, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips*, 437 F.3d at 794.

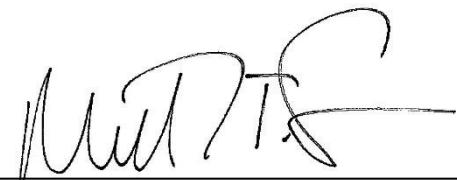
After considering these factors, this Court finds that the factual and legal issues are not complex at this pre-trial stage in the litigation, that Plaintiff has the ability to use—and has used, *see* Doc. [31-1]—written discovery to investigate his case, and that Plaintiff's

pleadings and other communications with the Court indicate his ability to state claims and legal arguments.¹ Therefore, at this point in the litigation, the Court finds that appointment of counsel is not warranted. The Court will continue to monitor the progress of this case, including the status of the discovery requested by Plaintiff. As such, the Court will entertain future motions for appointment of counsel as the case progresses.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs Motion to Appoint Counsel, Doc. [32], is **DENIED** without prejudice.

Dated this 24th day of January 2022



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE

¹ The Court does note that the existence of conflicting testimony is a factor that weighs in Plaintiff's favor.